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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF TEXAS**

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JOHNNY LEE READER, #17905-078

*versus*

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:14-CV-741

CRIMINAL ACTION NO. 4:10CR00139-002

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation concluding that Johnny Lee Reader's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 should be denied. Reader has filed objections.

Reader's first two objections concern the base offense level in his case. He asserts that the Report is factually incorrect when it states the Court advised him during the change of plea hearing that under the plea agreement the "base offense level is 38, based on possessing with intent to distribute 150 kilograms or more of a mixture or substance containing a detectable amount of cocaine." PH Tr. 12. Nonetheless, he was so advised by the Court, and he responded affirmatively when asked if those were the guideline stipulations. *Id.* Moreover, the Court's admonishment was consistent with paragraph 5(a) of the plea agreement. Reader's assertions to the contrary are disingenuous.

Overall, Reader's total offense level was 40, and his criminal history category was I; thus, the range of punishment under the guidelines was 292 to 365 months. Reader was sentenced to 325 months of imprisonment. Reader was sentenced in accordance with his plea agreement and corresponding guidelines. His various objections about his sentence lack merit.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Movant to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Movant are without merit. Therefore, the Court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that Reader's Motion to Vacate, Set Aside or Correct a Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED**, and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Sherman, Texas, this 9th day of July, 2015.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE